



NATIONAL BAR ASSOCIATION

Reply To:

May 16, 1996

Keith W. Watters
President
Washington, DC

U. Lawrence Bozé
President-Elect
Houston, TX

James M. Finley
Vice President
Atlanta, GA

Randy K. Jones
Vice President
San Diego, CA

Harold D. Pope
Vice President
Detroit, MI

Beverly McQueary Smith
Vice President
Huntington, NY

Andrea Pair Bryant
Secretary
Austin, TX

Joseph H. Hairston
Treasurer
Washington, DC

Donald A. Thigpen, Jr.
General Counsel
Columbia, MD

Alfredia Y. Fuller
Parliamentarian
Washington, DC

John Crump
Executive Director
Washington, DC

DOCKET FILE COPY ORIGINAL

The Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

MAY 16 1996

Re: **CC Docket No. 96-98**
*In the Matter of Implementation of
The Local Competition Provisions in
the Telecommunications Act of 1996*

Dear Mr. Chairman:

On April 19, 1996, the Federal Communications Commission (FCC) released a Notice of Proposed Rulemaking (NPRM) requiring comments by May 16, 1996 and reply comments by May 30, 1996. Before I comment on the substance of the Rulemaking in CC Docket No. 96-98 referenced above, I am constrained to point out the fundamental unfairness represented by the short time allocated for the submission of comments and reply comments.

The debate and legislative activity concerning the Telecommunications Act of 1994 (the "Act") involved an unprecedented number of citizens and organizations representing a spectacular spectrum of local, state, regional and national groups and viewpoints. The vast majority of these persons and groups represent significant stakeholders in the issues that are the subject of this NPRM. It is of some moment that most of these groups do not have the resources to analyze and respond to a ninety-nine (99) page document that contains more than 400 requests for comments and questions to be answered, in such a short period. In addition, the FCC takes 99 pages and 386 footnotes to set forth the FCC proposals, but requires those who would comment to limit their response to only 75 pages, including affidavits, appendices and exhibits.

No. of Copies rec'd 0 + 16
List ABCDE

The Honorable Reed E. Hundt
May 16, 1996
Page 2

The above would be troublesome enough if it did not appear that the intent is to have a quick Rulemaking that not only maintains the FCC's regulatory involvement but proposes to significantly increase the FCC's regulatory role. While the Telecommunications Act of 1996 clearly anticipates early initial action by the FCC, it is difficult imagining that the instant, extremely expansive, NPRM was contemplated. I believe that the FCC should rethink these procedural issues.

Substantively, recalling the propositions that undergirded the arduous road that led to the Telecommunications Act of 1996 is important: *increase competitive - decrease regulation*. These propositions received almost universal support in the Congress. As important, both political parties and the President have agreed on the importance of reducing the Federal regulatory presence and, where possible, having states be responsible for matters that do not clearly require a Federal presence. The overwhelming impression one has of this Rulemaking is the movement of regulatory responsibility from state public utility commissions (PUC) to the FCC in a wide range of matters related to interconnection. What works in Maine may not work in Mississippi. We believe that the FCC should encourage state regulators to assure that interconnection requirements both meet the unique needs of carriers and customers in the respective jurisdictions **and** meet the requirements of the Act to assure full, fair and prompt competition in local telephone markets.

Of special interest to us is the impact of this Rulemaking on universal service. Access charges provide significant support for universal service. This NPRM changes the access charge system in a significant way. Access to the public telephone network by all segments of the public is of utmost importance to minority communities and it is universal service that assures access. We have enshrined this uniquely American commitment in the telecommunications policy of the United States since the adoption of the Communications Act of 1934. The Rulemaking proposed in this NPRM ought not implicate any significant import on universal service in any way.

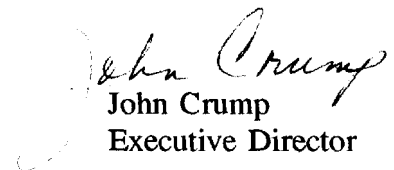
Finally, let me review our position: (1) intrastate regulatory issues are best handled at the state level; and, (2) universal access to the local telephone must be protected through pricing arrangements for

The Honorable Reed E. Hundt
May 16, 1996
Page 3

interconnection shared by all participants in the market, new and old, with fair compensation to incumbents for both profits and investment in the current infrastructure.

Thank you very much for your consideration of our views.

Sincerely,



John Crump
Executive Director